

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MUHAMMAD SHABAZZ, formerly known  
as DWAYNE STOREY,

Plaintiff,

V.

Civil Action Number:  
9:02-CV-760  
(FJS/DEP)

JOSEPH COSTELLO, Sup

Respondent.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Muhammad Shabazz, Pro Se

FOR DEFENDANT:

HON. ELIOT SPITZER  
Attorney General of the  
State of New York  
The Capitol  
Albany, New York 12224-

MEGAN M. BROWN, ESQ.  
Assistant Attorney General

**FREDERICK J. SCULLIN, JR., CHIEF D.J.:**

**ORDER**

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David E. Peebles filed May 9, 2005, and having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said

Report-Recommendation having been filed, it is hereby

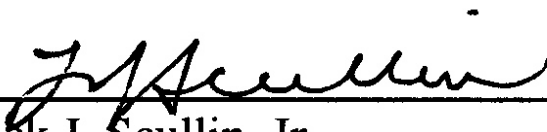
**ORDERED**, that the Report-Recommendation of Magistrate Judge David E. Peebles filed May 9, 2005 is **ACCEPTED** in its entirety for the reasons stated therein, and it is further

**ORDERED**, that defendants' motion for summary judgment is **GRANTED** and that plaintiff's complaint is **DISMISSED** in its entirety, and it is further

**ORDERED**, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

**IT IS SO ORDERED.**

DATED: June 29, 2005  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Chief United States District Court Judge